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Murder and Mass Murder in Pre-Modern Latin America: From Pre-Colonial Aztec Sacrifices to the End of Colonial Rule, an Introductory Comparison with European Societies

Eric A. Johnson, Ricardo D. Salvatore & Pieter Spierenburg *

Abstract: »Mord und Massenmord im prämodernen Lateinamerika. Von den präkolonialen aztekischen Opferungen bis zum Ende der Kolonialherrschaft, ein einführender Vergleich mit europäischen Gesellschaften«. Over the past several decades, the study of violence and homicide in a number of pre-modern and modern European societies has become an area of considerable scholarly focus. Through the painstaking efforts of many scholars, we now can state with considerable confidence that the long-term trajectory of homicide rates in most European societies has undergone a dramatic decline over the centuries. Indeed homicide rates on average in European societies appear to have declined by a factor of fifteen to twenty times from the late 15th century to the present, with the biggest drop taking place in the years between roughly 1450 and 1750. In this special Focus of *Historical Social Research* six scholars from five different countries and three different continents collaborate to discern if similar trends took place during these same years in violent behavior in Latin American societies. Although only some parallels are immediately apparent, this collaborative and comparative effort marks perhaps a beginning scientific step toward an understanding of patterns of Latin American and global violence over the long haul of history.

Keywords: violence, murder rates, mass murder, colonial Latin America, Aztec sacrifice, smallpox, European comparisons.

This special Focus of *Historical Social Research* concentrates on the long-term history of interpersonal and mass violence (particularly killing) in pre-colonial and in colonial Latin America. As such, it represents one of the first products of a project on global murder, mass murder, and violence that began over four years ago with a conference held in Mt. Pleasant, Michigan, on the history of murder and violence in Latin American history. Since that time a number of

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additional specialized conferences have been held focusing on other areas of the world such as Africa, India and Indonesia (held in Rotterdam, The Netherlands) and on Russia, China, and the Soviet Union (held in Helsinki, Finland). The overall goal of the project is to determine if the trends in violence that a number of scholars have detected for European societies might also apply to other areas of the globe (for attempts to synthesize the scholarship on the subject produced in the last few decades, see, for example, the works of Manuel Eisner (2003), Ted Robert Gurr (1977; 1981), Eric A. Johnson and Eric H. Monkkonen (1996), and Pieter Spierenburg (2008). Very succinctly put, it appears that the long-term trajectory of interpersonal acts of murder and probably of violence generally in European societies have declined markedly from the fifteenth century and probably earlier to the present. The cause of this decline in murder is not absolutely certain, but it does appear that the theoretical arguments of the sociologist Norbert Elias about the effects of what he called “the civilization process” may help to explain the decline in person to person violence.

Whereas patterns of murder in many European societies that have now been studied empirically appear to follow a similar downward trajectory over the centuries (with the largest drop taking place apparently over the roughly three hundred years between the mid 15th and the mid 18th centuries, very little is known about the long-term trajectory of murder in other parts of the world, and, in the case of mass murder, little has been established empirically for any part of the world, including Europe itself.

In this focus edition, three prominent scholars of Latin America, hailing from three different countries (Wolfgang Gabbert from Germany, Martha Few from the United States, and Caroline Dodds Pennock from The United Kingdom) have presented seminal essays on violence in pre-colonial Latin America. In his essay “The *longue durée* of Colonial Violence in Latin America,” Wolfgang Gabbert courageously provides perhaps the first long-term assessment of the trajectory of violence from the beginning of Colonial rule in Latin America in the 16th century to the end of Colonial rule at the beginning of the 18th century. After Gabbert’s essay, two more specialized essays follow by Dodds Pennock and Few. In his essay, Gabbert argues that the trajectory of violence broadly speaking appeared to decline with the establishment of Colonial Rule but to increase in the latter part of the Colonial period as Colonial rule began to break down with the emergence of independence movements in many parts of Latin America. One might argue that this pattern in itself jibes with what one might expect from Norbert Elias’s theory of civilization. As in Europe, once state rule (in this case Colonial rule) became more fully entrenched and accepted, the state became ever more the arbiter of dispute settlement and this led to a decline in murder and violence. Previous to the emergence of central state authority in Europe and Latin America, the high rates of homicide and violence that obtained in many localities were caused by the interpersonal settling of

scores and through honor-related practices such as personal vendettas and the like. But, once Colonial rule began to confront serious opposition in the eighteenth and early nineteenth centuries, more people presumably stopped accepting the state's intercession in the settling of disputes and took matters into their own hands, leading to increases in murder and violence.

The intriguing essay "Mass Murder or Religious Homicide: Rethinking Human Sacrifice and Interpersonal Violence in Aztec Society," by Caroline Dodds Pennock examines the issue of Aztec sacrifices in pre-Colonial Latin America and asks the question whether these sacrifices represented mass murder or simply religious practice. In the course of her investigation, she also makes important estimates about the numbers of people sacrificed in this pre-Colonial period, demonstrating that the sheer volume of violence at the time was certainly enormous, no matter whether one defines it as mass murder or religious practice. Finally, Martha Few studies "Medical Humanitarianism and Smallpox Inoculation in Eighteenth-Century Guatemala." In this essay she demonstrates how the Colonial rulers attempted to act beneficently by offering inoculations against smallpox that could significantly curb the death and disability that the accursed disease inflicted on the Guatemalan population. This in effect could be seen as part of the benefits of "the civilizing process" for Latin American societies that Elias theorized about for European societies. The trouble is that by the late eighteenth century many Latin Americans had become severely distrustful of European colonization and distrusted their colonial rulers' attempts at humanitarianism. This resistance to central authority on the part of the indigenous population may have presaged the state's breakdown, and resultant increases in murder and violence in Latin America often followed in the wake of the decline and eventual disappearance of Colonial rule in the nineteenth century. In several countries of Latin America the presence of violence in the post-Colonial period (especially perhaps in recent decades) appears to have increased rather than decreased as central state rule has struggled to establish itself against drug gangs, radical resistance movements, and restive populations tired of "disappearances" and wary of central authority.

Thus, whereas many Latin American scholars have been fascinated with Michel Foucault and his views of modernization and violence instead of those of Norbert Elias, the essays presented here make a beginning with testing the latter's theories for this part of the world. A few general observations are in order when we attempt to compare Europe and Latin America from the perspective of an "Eliasian" approach. First, the Latin American continent did not witness a feudal period and hence no clear-cut transition by which the elites turned from warriors into courtiers. Second, though many historians speak freely of an "ancien régime" in the colonies of the Spanish empire, the analogies are only metaphoric. Historians recognize that a great gap separated the European "ancien régime" from the different colonial situations of Hispanic and Portuguese America. The lifestyles of vice-regal bureaucracies and of elite

Peruvians and New Spaniards during the period 1570-1800 bear little resemblance to the sociability at European courts in these years. The problems involved in colonial governance in Spanish America were different from those facing dynastic crowns in Europe. The Spanish crown had to exert dominance in situations, whereas, in part due to distance from the metropolis, colonial authorities felt entitled to act independently, responding to local interests. Once more, the result was that the incorporation of warriors into courtly society, a crucial long-term socio-genetic process for Elias, does not have a parallel in Hispanic America.

Another challenge refers to the fact that early modernity came to Spanish and Portuguese America in the form of conquest and colonization. Colonization entailed a protracted “civilizing impulse,” which included vast operations such as the evangelization campaigns, the reduction of indigenous populations in cities, and the re-organization of production in mines, haciendas, and plantations. All of these colonial “designs” contemplated some kind of control of conduct. On the other hand, it is fair to argue that, at least in the first two hundred years of Spanish and Portuguese rule, the imposition of a colonial order was achieved through violence and coercion. Nevertheless, the consolidation of hybrid forms of governance, that included European institutions and pre-existing indigenous forms of representation, produced a long-lasting pacification, until this was shaken by revolts since the mid-eighteenth century and in particular the great Andean rebellions of the 1780s.

Viewed in this way, the relationship between colonization and violence is two-sided. On the one hand, colonization necessitated the perpetration of violence on the subjugated indigenous populations, in order to produce subordination to Spanish authorities, some degree of conformity and deference to colonial officials, a transformation of everyday practices among the colonized, and a radical change in their religious beliefs. On the other hand, the consolidation of state colonial rule with its consequent monopoly in the use of force translated to decreased levels of state violence. Indigenous peoples were compelled to constrain their aggressive impulses: they were prohibited from wearing swords, drinking alcohol, or riding horses. To be sure, some exemplary public punishments had to be applied periodically in order to remind the colonized who was in power. Yet by and large the level of state repression exercised by the colonial state in the central areas (New Spain and Peru) was significantly lower in the 1750s than it had been in the 1570s.

The remainder of this introductory essay summarizes the European evidence and provides a bit more argumentation on the rationale for a project of global magnitude attempting to assess the trajectory of murder and mass murder over the centuries. Hence for a series of meetings held to study violence in a global perspective, the objectives of the overall project were summarized as follows: (1) combining the research on the long-term history of homicide and interpersonal violence with that of mass murder or genocide; (2) geographically ex-

tending the research on homicide in Western and Central Europe and North America to Eastern Europe and the non-Western world; and (3) chronologically extending the research on genocide, which up to now largely focuses on the post-1900 period, to previous centuries and on a world-wide basis.

State of the Art: Homicide in Europe and North America

Within historical scholarship concerning homicide in this part of the world there is roughly a split between two approaches that each have their strengths but also their weaknesses. These are (1) a quantitative and statistical approach focusing on the incidence of violence; (2) a cultural and largely descriptive approach oriented toward case studies. The positive element of the first approach is its long-term perspective, whereas the negative element concerns its neglect of qualitative evidence about culture and social context. A focus on precisely this evidence constitutes the positive side of the second approach, whose weakness lies in the lack of a longitudinal perspective. Until today, few scholars have combined these two approaches. Yet, there is an emerging integrated approach that combines precisely the strengths of these two separate traditions. We begin by briefly mentioning the work that has been done according to the first approach. In terms of longitudinal research, this work extends back at least two centuries prior to the introduction of published national statistics.

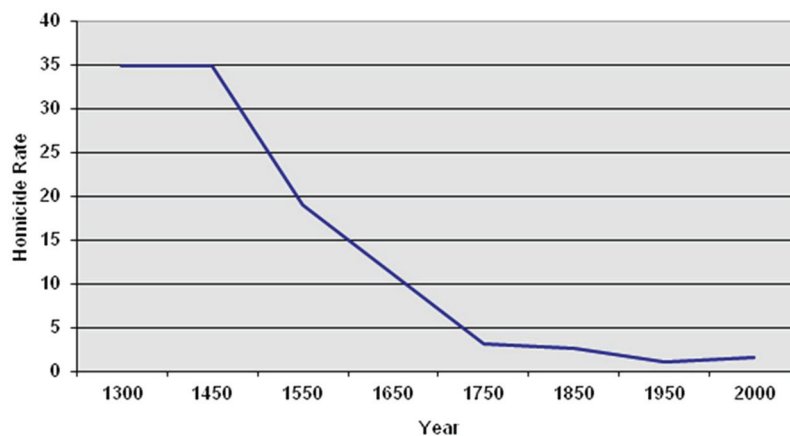
The quantitative analysis of murder over the long haul of history began in the 1980s, notably in England. The standard used is the homicide rate, a conventional measure referring to the annual (average) number of killings per 100,000 inhabitants in a specified geographic place. In a seminal article, the political scientist Ted Robert Gurr (1981) concluded that the English rates had decreased more than twenty-fold from the middle ages to the twentieth century. His conclusion, and that of scholars performing similar analyses after him, depended heavily on the work of local investigators.

During the 1990s additional evidence was collected for countries such as Sweden and The Netherlands (Österberg 1991; Spierenburg 1996). The studies in question showed an even steeper decline of homicide rates than those observed for England. The Dutch rates, for example, declined from about 50 in the fifteenth century to under one by the mid-twentieth. Although there were temporary upsurges of murder, the overall decline was steady, with decreases in each century.

Since the turn of the century Manuel Eisner has been collecting a quantitative data base of European homicide. He distinguishes five regions: England, Scandinavia, the Low Countries, Germany/Switzerland and Italy. Ongoing work by a few other scholars provides additional evidence for countries like Spain and Ireland (e.g. Ian O'Donnell in Body-Gendrot and Spierenburg eds. 2008; but also in this volume Rousseaux et al. on Belgium). Hence, we have a

picture of the quantitative longitudinal development of homicide in Europe west of the former Iron Curtain, with the notable exception of France where this type of research has hardly been performed. The combined result of the work done in various countries is the identification of a secular decline of murder in Europe (see graph below). Although homicide rates show a slight rise in many countries since roughly 1970, this rise is insignificant in view of the preceding massive decrease (and possibly the trend is reversing presently).

Figure 1: The Long-Term Decline of Homicide in Europe per 100,000 Pop.
Annually: Average Estimates per Century



Source: Spierenburg, 2008.

Historical homicide research in North America is mostly quantitative too. Research on the history of homicide rates in the United States started with Roger Lane's study of Philadelphia (1979) and was followed by, among other studies, that of Monkkonen on New York (2001) and McKanna's on the American West (1997; 2002). Rates in the United States, unlike those of Canada, have usually been higher than those in Europe and the picture of a long-term decline is less unequivocal. On the whole, however, the twentieth century in the United States was less homicidal than the nineteenth. However, the recent synthesis by Randolph Roth (2009), while significantly extending our knowledge about American murder rates, presents a more complicated picture (further discussed below).

When examining the case study approach it should be stressed that, at least for Europe, its representatives do not contradict or contest the main findings of the quantitative approach, namely the long-term decline of homicide. In fact, when taken together, they provide support for this finding by suggesting that ritual and honorific elements in homicide were more characteristic of the medieval and early modern periods than of later periods. On the other hand, the

killing of intimate victims, as opposed to that of strangers or mere acquaintances, appears to be more characteristic of modern murder.

Intriguingly, although France is absent when it concerns the study of longitudinal quantitative trends, France is the foremost country where the qualitative tradition has been very strong. One of its first representatives is an American historian writing about France. Natalie Zemon Davis (1987) studied petitions for pardon addressed to the French kings, in great majority by homicide convicts. She considered these petitions primarily as specimens of the art of storytelling but also as a window on cultural codes such as concepts of honor. The work of other historians was based on this same type of source. Robert Muchembled examined the pardon letters from Artois, then part of the Burgundian, later Habsburg domains. Rather than as examples of storytelling, he used these documents as sources for a study of social life in Artois (Muchembled 1989 and 2008). In a similar vein, Claude Gauvard (1991) examined a large body of French pardon letters from the Middle Ages, taking their murder tales as evidence for such phenomena as kinship structure and male-female relations. Honor and ritual were important themes for these authors too, as they were for Martin Dinges (1994) who studied violence in eighteenth-century Paris and François Ploux (2002) who did so in Southern France.

From the 1990s onward, this qualitative type of research, stressing the ritual and honorific elements in violence, got under way outside France as well, most notably in Germany. The Netherlands, Southern Europe and Scandinavia soon followed suit. This research was based sometimes on pardon letters as well, but more often on criminal records. Descriptive case-studies on the theme of violence were performed in England too, although the quantitative tradition remained strong there. Thus, descriptive research with a case-study approach has covered most of Europe to the west of the former Iron Curtain. The subject of dueling deserves special mention in this respect, because while most of the ritualistic violence seems characteristic for the medieval and early modern periods, dueling underwent a revival from the mid-nineteenth century until 1914 (Frevert 1991; Hughes and Nye in Spierenburg ed. 1998; Peltonen 2003; Hughes 2007).

Although the qualitative tradition of past murder research has been less prominent in the United States, a few imaginative syntheses have been published (Courtwright 1996; Lane 1997). The relationship between violence and traditional male honor, including the subject of dueling, has been examined in particular for the Old South.

With respect to the emerging integrated approach, one of us made several contributions (most recently in Spierenburg 2008). Essentially, the integrated approach combines the strengths of both traditional approaches through a longitudinal examination of quantitative as well as qualitative factors. This type of research might be denoted as the study of transformations in the character of homicide. The work of a few other scholars can be considered as belonging to

this integrated approach. Thus, Emsley (2005) examines both statistics and narrative sources for an analysis of the place of violence in English society since the mid-eighteenth century. Ongoing work by Tomás Mantecón (e.g. his contribution to Mucchielli and Spierenburg 2009) combines the study of homicide rates and that of changes in ritual violence and family honor in early modern Spain. Efi Avdela (see her contribution to Mucchielli and Spierenburg 2009, with reference to her work published in Greek) combines an analysis of notions of honor, public opinion and crime statistics for Greece in the 1950s and 1960s. Nassiet (2011), dealing with violence in early modern France, focuses on factors such as honor and vengeance but also provides data reducing the gap in our knowledge of French homicide rates.

All of these authors agree that honor and gender are important factors for explaining transformations in homicide. These are also mutually related because, in any society, male honor differs essentially from female honor. Honor, moreover, is not a static factor. Sources of honor change over time. In particular, male honor moves from being based on bodily aggression to being based on inner qualities. This process of change is called the spiritualization of honor. It accompanied the massive decline of male-on-male fighting, while leaving intact the observation that serious violence is always committed disproportionately by young males.

The main findings referring to transformations of homicide in European history can be summed up as follows:

- 1) The Middle Ages, with homicide rates of usually several dozen per hundred thousand inhabitants per year, were the most violent period in European history.
- 2) This high level of homicide owed much to the prevalence of feuding, which in its turn was related to the low degree of the monopolization of force by public authorities, who condoned revenge within certain limits.
- 3) The medieval elites were at least as violent as members of other social strata.
- 4) Feuding was complemented by a system of reconciliation and peace-making which, however, did not reduce murder when viewed from a macro-level.
- 5) The prevalence of both revenge and reconciliation made homicide into a private matter; the subsequent criminalization of homicide was a tedious process not completed until the mid-seventeenth century.
- 6) The traditional concept of male honor played a crucial role in murder, but around 1500 a shift occurred to a code of fair fighting exemplified by the transition from often treacherous feuding to dueling.
- 7) The early modern period was marked by the social differentiation of male fighting: various social classes acquired their own codes of defense and the upper and middle classes gradually adopted more peaceful habits.
- 8) The great early modern decline in homicide rates was related to the simultaneous rise of pacified states monopolizing legitimate violence.

- 9) The emergence of the cultural model of the peaceful man, in the wake of the spiritualization of honor, constituted a crucial intermediary factor in this relationship.
- 10) As male fighting declined, domestic violence and other forms of aggression involving women became more visible, but the character of spouse murder underwent changes as well.
- 11) From the eighteenth century onward the percentage of intimate murder victims rose significantly.
- 12) After 1800 male fighting became increasingly restricted to the working classes and the use of knives became more infrequent.
- 13) Simultaneously, new types of homicide came to the fore, among which the crime passionnel as the prototype of killing considered as excusable and serial murder as the prototype of killing that fascinated the public.
- 14) After 1970 homicide rates slightly rose again, but it is uncertain if this trend will continue because a number of communities in various countries such as in the United States have noticed considerable drops in recent years.

State of the Art: Homicide in Selected Countries Outside the Western World

Outside the Western world some preliminary reading has been done with respect to five countries: China, India, Russia, Brazil and South-Africa. They were selected for their spread over several continents and because they are important countries. The reading, however, extended only to publications in Western languages.

The literature on these countries involves little in the way of longitudinal quantitative research. Analyses of modern national statistics, during the Soviet Union's demise for example, do of course exist. In this paper we focus on studies that go back at least before 1970. The English-language literature on China includes one monograph that analyzes homicide data (Buoye 2000), but only for cases related to conflicts over land in the South-East and restricted to the reign of Emperor Qianlong (1736-95). While Buoye observes a decline of murders over property rights, it appears that murders in the encompassing category of land and debt were slightly on the rise. And land and debt was just one out of four categories identified by the Chinese Ministry of Justice. Thus, we cannot calculate overall homicide rates from Buoye's book. The literature on pre-1970 India yields two quantitative studies that deal, among other crimes, with violence (Nayar 1975 and contribution on Calcutta in Gurr et al. 1977). Nayar shows that national homicide rates, as published by the Indian FBI, were relatively steady at about 2.5 per 100,000 between 1953 and 1966 and then climbed to 2.9 in 1970. Average rates, 1959-68, per Indian state, each of them more populous than many a nation-state, fluctuated between 1.3 and 4.2. For

Russia, Stickley and Pridemore (2007) provide some homicide rates around 1900, which confirm that by that time Russia lay in the “outer zone” in which rates were higher than in the core of Europe. We found no homicide rates for pre-1970 Brazil or South-Africa.

The situation is a little better when studies about specific subjects involving murder and violence are concerned. China is of particular importance because of its long history as a nation and an empire. China had well-developed bureaucratic state structures, monopolizing the means of legitimate violence, when Europe was yet to experience the middle ages (Hui 2005). The historiography dealing with its oldest history, well into the first millennium AD, is based largely on narrative sources. Because Lewis (1990) focuses on the so-called warring states period before unification, it is not surprising that he finds high levels of violence. This includes symbolic violence such as the ritual drinking of blood as well as actual feuding that often escalated into civil war. In an overview article, ter Haar (2000) relies considerably on Lewis for the earliest period, but he also shows that vengeance remained a common occurrence for centuries after unification. Although the Chinese elites took pride in their refined civilian tradition (*wen*), in fact *wen* was slow to triumph over the martial tradition (*wu*). However, ter Haar does not rigorously distinguish between state violence, such as the beating up of officials in the imperial court, and interpersonal violence such as vengeance or blood sports.

Robinson (2001) shows that even Ming China (1368-1644) was far from a peaceful society. He refers to publications in Chinese, Korean and Japanese dealing with the violence of beggars, robbers and members of fighter guilds who beat up persons for money, plus violence in brothels and gambling dens and through blackmail. His own research focuses on banditry. Even in the capital region bandits often had links with elite groups. Yet, Robinson estimates that the incidence of daily violence in sixteenth-century Europe was higher, which might explain why a visitor like Matteo Ricci considered China a peaceful country. Even in the Qing period (1644-1911), however, the central state lacked control over some regions like the South-East coast, where brotherhoods and elite families were enmeshed in feuds. To this region we can add Macheng county, a mountainous area in mid-China at the border of three provinces (Rowe 2007). From the expulsion of the Mongols until 1938 this region had an extraordinary reputation for violence that, according to Rowe, was well-deserved for most of this period. Today it is a center of the Falun Gong movement and its repression. It should be added that family avengers who were apprehended under the Ming and Qing usually suffered the punishment of *ling chi*, (badly) translated as death by a thousand cuts (Brook et al. 2008).

Banditry equally has received attention in the historiography of India, in particular that practiced by the so-called thugs or *thagi* at the beginning of the nineteenth century (Wagner 2009: anthology of text plus introduction). Appreciations by historians are diametrically opposed in this case. Some echo the

belief of contemporary British administrators that the thugs misled travelers, by acting friendly at first and then strangling them, in order to ritually offer them to the goddess Kali. Some Indian historians, on the other hand, simply dismiss this as a colonial fabrication. Wagner believes that through careful scrutiny of the evidence we can reconstruct a picture of actual bandits, who employed strangling next to other methods and often believed that a goddess protected them. The rituals they performed were no different from those of other Indian bandits, nor, we would add, from those of the eighteenth-century Dutch *Bokkerrijders*. Also important for the history of murder outside Europe is Martin Wiener's recent book (2009). He discusses interracial murder between 1870 and 1935 in seven British colonies. Next to India these are Queensland, Fiji, Trinidad, the Bahamas, Kenya and British Honduras (now Belize). Wiener writes in a narrative fashion with even more emphasis on the judicial handling than on the cases themselves, but he does suggest that colonial and racial tensions constitute an important explanatory factor.

When considering violence in Russia, many would think first of a sequence of organized activities stretching from the anti-Jewish pogroms of the late-nineteenth century via Stalinism to the modern mafia. The literature in Western languages touching on interpersonal violence before 1917 includes one study that deals in a narrative and literary fashion with notorious murders, mostly political, since about 1000 (Encausse 1992). Further, there are some scattered publications, of which Neuberger's (1993) book on hooliganism, image and reality, in St. Petersburg on the eve of the First World War is perhaps the best known. Reyfman (1999) shows that dueling was uncommon in Russia until about 1800 and widespread especially among the military but also among figures prominent in literature, journalism, education and law until the end of the century. However, it was equally common and socially accepted for officers, intellectuals and aristocrats to settle conflicts over honor with non-stylized violence, even with an inequality of arms. An article by Kollmann (1998) on spousal murder deals with just a few selected cases from the seventeenth century. These cases suggest that women were punished more harshly for this crime than men. Wife murder was often punishment-related.

For Brazil there are various publications in Portuguese that should be analyzed for our project. The English-language literature on violence going back a few centuries is limited. Aufderheide (1976) deals with local court cases in the province of Bahia and stresses the importance of honor, vengeance and race as factors involved in violence. Rose (1998) is a very impressionistic work that discusses violence as a tool of maintaining elite dominance. Langfur (2006) discusses violence, by settlers of European and African descent as well as indigenous people, as a central element of the frontier experience in Minas Gerais in the late-eighteenth century. An unpublished dissertation (Souza 1999) deals with the changing character of violence in the province of Goiás, 1930-80.

To this discussion of the work done for Brazil, we should add a few studies dealing with Spanish-speaking America. There has been progress in the history of dueling (Parker 2001; Gayol 2008), in the history of violence related to state formation (Centeno 2002) and of violence and crime in frontier areas with little state control (Rafart 2008; Boholavsky and Soprano 2010) and the emergence, in the twentieth century, of modern crime and its representation in newspapers and magazines (Caimari 2009; Piccato 2010). Additionally, there are studies on short-term trends in homicide and assault, but these are often localized.

The work done so far for South-Africa is patchy. A good starting point for longitudinal research into murder is Worden and Groenewald (2005): a selection of court dossiers concerning crimes committed by slaves in the eighteenth century. Turrell (2000) is also a selection of archival documents, in this case pardon records, with commentary; here it concerns several types of murderers in the first half of the twentieth century.

Transformations in State Violence: An Intermediary Factor?

The crucial role of the evolution of the state for a theory about murder necessitates a brief look into the violence employed by its representatives. Many scholars believe that state-sponsored murder has increased since the turn of the nineteenth and twentieth centuries, as compared to the preceding history of mankind. However, despite the fact that states have grown more powerful over time with a monopoly on the means of killing and with new and more lethal means of killing, there is also evidence that state representatives have become more reticent in exercising their monopoly.

The evidence for legal executions (excluding extra-legal ones, as under the Nazi regime for example) is unequivocal. In Europe, the number of legal executions of criminals began to rise in the sixteenth century, when compared to the preceding medieval period. This initial rise was related to the emergence of stronger and more stable states and a system of justice from above that replaced dispute settlement through arbitrary means and seeking revenge by way of the vendetta. As state formation processes continued, however, harsh justice gradually came to be considered unnecessary and citizens increasingly demanded that the state exercise its monopoly of force with moderation. From the end of the seventeenth century and especially during the eighteenth, execution rates started to decline, even in absolute numbers. This development has been documented for such countries as England, the Netherlands and Germany (Spierenburg 1984; van Dülmen 1985; Sharpe 1990). In addition, the death penalty came to be restricted to lethal offenses, as opposed to being applied also in cases such as burglary and robbery. In the second half of the twentieth century nearly all European states abolished the death penalty.

A parallel development of decline, but not of nationwide abolition, took place in the United States (Banner 2002; Spierenburg 2011). Most Latin Amer-

ican nations even abolished the death penalty rather early, around 1930 or before, as part of their understanding of the “civilizing process.” During the formative period of centralized states (as in Argentina and Chile around 1880), on the other hand, they unleashed violence against mobile indigenous tribes and after their “victory” they were able to expand the area of cultivated land. Similarly, the Porfirio Diaz administration in Mexico expelled the Yaquis from their land. This can be considered as another example of ethnic cleansing.

Turning back to Europe, there are other indications as well that states have increasingly been forced, over the last two hundred years and especially since the mid-twentieth century, to exercise their monopoly of force with moderation. In the Netherlands, for example, a marked restraint in police violence is visible since the 1960s (Spierenburg 2008b). Other evidence comes from the history of social control generally, by state and non-state agencies. The major conclusion from two collective volumes, dealing with early modern and modern Europe respectively (Roodenburg and Spierenburg 2004; Emsley, Johnson and Spierenburg 2004) is that social control never was just a top-down phenomenon. The negotiation of norms was an important element in it, from seventeenth-century communities to twentieth-century dictatorships. Even so-called totalitarian regimes had to compromise, directing the main brunt of repression at targeted groups rather than at the population at large. Another intriguing conclusion referred to private violence, which could be an accepted tool of social control within local communities well into the seventeenth century. Since then, private violence shifted from being both means and object of social control to being only its object.

Thus several, though not all, forms of state violence in Europe became more moderate along with the transformation and decline of homicide. The evolution of murder remains the core element in this overall transition. We now have a relatively good picture of long-term trends in the character of murder in Western and Central Europe and to a lesser extent in North America. Even then there are conspicuous gaps, such as the lack of reliable quantitative evidence for France (before the start of national statistics in the 1820s). We also know relatively little about Eastern Europe, roughly to the East of the former Iron Curtain. For the non-Western world the evidence, if existing at all, is scant.

State of the Art: Genocide and Mass Murder

The scholarly literature on genocide has been expanding ever since Raphael Lemkin (1944) coined the concept. Notably with respect to the Holocaust, the number of studies is so vast that it is pointless to single out any title in particular. Suffice it to mention that one of us has contributed to this literature (Johnson 1999; Johnson and Reuband 2005). For the rest, we are not examining studies on individual genocides here. We wish to restrict ourselves to books,

many of them collective volumes, that purport to deal with genocide in a general fashion.

In some cases the subject ranges even more widely to include themes such as ethnic cleansing. One of the most wide-ranging is a German text-book entitled *Ausgrenzung, Vertreibung, Völkermord* (exclusion, expulsion, genocide) whose motto is the exceptionally violent character of the twentieth century (Benz 2006). Somewhat surprisingly perhaps, it opens with the so-called October pogroms in Russia in 1905. Many scholars, on the other hand, now consider the mass death and destruction of the Herero population in German Southwest Africa starting in 1904 to be the first genocide of the twentieth century (Hull 2003 and 2005; Krueger 2005; Zimmer 2005). Benz further discusses, among other things, the killing of Jews, Sinti and Roma under the Nazi régime but also the expulsion of ethnic Germans from Poland and the Baltic region at the end of the Second World War. Here the net is cast very widely indeed. Although expulsion, and any kind of forced migration, implies violence or at least the threat of it, we cannot equate it with killing.

That applies equally to studies that adopt ethnic cleansing as their primary theme, such as Naimark (2001) and Lieberman (2006). According to Naimark, “the intention of ethnic cleansing is to remove a people and often all traces of them from a concrete territory,” whereas genocide involves intentional killing. (3). Nevertheless, “ethnic cleansing has terrifying potential for genocide.” (15). Naimark explicitly refuses to pin the label of ethnic cleansing on any case of expulsion before 1900. In a similar vein, Lieberman considers it as a relatively modern phenomenon and perhaps with a better argument. According to him, ethnic cleansing is an outgrowth of modern nationalism that did not emerge until the nineteenth century. Eventually, it led to the collapse of the Habsburg and Ottoman empires, among others, and it put an end to many cosmopolitan cities in Central, Eastern and South-East Europe, in which various ethnic and religious groups had lived together for centuries. Again according to Lieberman, this process did not really get under way until the Bulgarization of Sofia in the 1870s. There may be a point in this, as early modern rulers and elites often had a cosmopolitan mentality. However, Lieberman himself also suggests a different perspective by calling ethnic cleansing the third of three waves of cleansing per se in Western history. The first involved religious cleansing, with the expulsion of Muslims from Spain and Huguenots from France. With the second he refers to the elimination of Native Americans. Thus, although (ethnic) cleansing does not necessarily always involve killing, the phenomenon alerts us to the need to examine the pre-1900 period.

Whereas ethnic cleansing has been examined especially in relation to European history, most studies of genocide pay equal attention to non-Western countries, whether colonies of a European power or not. The standard series of genocidal episodes begins either with the Herero, already mentioned, or with the fate of the Armenians in the Ottoman Empire during the First World War.

The standard account then moves to Europe, with Hitler and Stalin as the main culprits. During the second half of the twentieth century and the first decade of the twenty-first, Asia and Africa constitute the main theater. While some authors begin this period with Mao's China, others consider the Cambodian "Killing Fields" in the years 1975-9 as a major episode (for example, Samantha Power 2002; Edward Kissi 2003). Rwanda in the 1990s and Darfur in the 2000s also are standard cases. No author, however, deals with exactly the same series of episodes, which is partly due to their different definitions of genocide (see below). Thus, whereas the main shortcoming of the historical literature about homicide is its neglect of the non-Western world, the main shortcoming of the literature about genocide is its neglect of pre-1900 history. It is strongly suggested but not proven that genocide is a typically modern phenomenon. This applies, among others, to Power (2002), Weitz (2003), Midlarsky (2005) and Totten and Parsons (2009).

Kiernan (2007) is the only author devoting more than minimal attention to earlier periods of history, but even for him 1900 constitutes a definite dividing line. Kiernan is mainly concerned with identifying a few factors that, according to him, operate in every genocide, instead of identifying long-term trends (see the critical review by Charles Tilly in *Journal of Interdisciplinary History* 39, 2: 247).

The Boundaries of the Project

In our project we first used the term genocide. The question is whether we should stick to this term or replace it with something else: either mass murder, that we used in an even earlier phase of the project, or perhaps a new term, organized murder.

The advantage of "genocide" lies in its unambiguousness. We do not have to define it, because it is already clearly defined as a legal concept. However, for historical and social scientific scholarship, the legal character of the term may also be a disadvantage. It may preclude the consideration of some cases of mass murder that we nevertheless want to include in our analysis. Indeed, some authors writing about genocide wrestle with this problem. Thus, Midlarsky, already referred to, refuses to deal with the Cambodian killing fields because the victims included a few Vietnamese but in great majority were Cambodians themselves. For the killing fields he reserves the term "politicide." In a similar vein, Marchak (2003) *considers genocide and politicide as subcategories of the more encompassing category of crimes against humanity*. In his new book about Stalin's crimes, Naimark (2010) sticks to the term genocide. In order to place Stalin's activities under this label, Naimark goes at great length to argue that genocide ought to include the killing of social groups. A final problem with the definition of genocide lies in the fact that, as with ethnic cleansing, it does not necessarily refer to killing. Genocide includes the destruction of a

culture, rather than the people bearing this culture. To conclude, this particular concept is not really useful as a guide for our project. In this paper we opt for organized murder as the counterpart to homicide.

Homicide has to be clearly defined as well. Homicide, whether condoned or considered criminal, involves interpersonal violence. In societies with stable state organizations, homicide can be clearly distinguished from state violence. Although any single homicide may be related to any kind of socio-political conflict, no scholar will confuse a separate lethal incident with genocide or ethnic cleansing. Homicide is essentially a form of individual or interpersonal violence. It usually but not always involves a single perpetrator confronting a single victim (with often only the outcome determining the role of the one and the other). There is no clear numeric threshold here, but two forms of multiple killing are regarded by most scholars as falling within the category of homicide rather than collective violence: feuding and serial killing. In both cases we are dealing with a set of separate incidents rather than one wave of mass murder. In feuding and revenge, although there are regularly multiple perpetrators, there is usually but one victim. In serial killing there is always but one perpetrator, although copycats may manifest themselves. Murder in the course of a robbery, finally, also usually involves no more than a few victims and perpetrators.

It is much more problematic to distinguish organized murder from state violence. If we take mass mortality as our point of departure, the first that comes to mind historically is death in epidemics or disasters like earthquakes or floods. These are obviously not attributable to any human agent, although epidemics are most devastating when populations lacking antibodies come into contact with people carrying micro-organisms that are new to them. Perhaps it is more adequate to denote these forms of mass dying as non-reproachable. Reproachable forms of mass mortality are often, but not always, the result of or related to warfare.

Analytically, we may distinguish four types of mass dying that is reproachable (or non-natural, or attributable to human action):

- 1) In military conflicts as a result of battle. This would include both the killing of combatants and non-combatants or “collateral damage,” as in the bombings of cities in World War II.
- 2) Indirectly, through political decisions or other organized measures that have the effect that many people die, usually by starvation. The prototype here is the famine in Ukraine, 1932-3, which is often termed a genocide.
- 3) The conscious killing of civilians in times of war but relatively independent from military operations. In this case the prototype is the Holocaust, but it probably also applies to the case of the Armenians.
- 4) Conscious killing without a state of war. The difference with (3) is one of degree only, since mass killing implies almost per definition the existence of some kind of socio-political conflict. There may have been a preceding civil war, a revolution, simultaneous militia fighting, establishing colonial domi-

nation, etc. Therefore, it would be stretching the matter to replace “without a state of war” with “in times of peace.”

In case of (1): death as a direct consequence of military operations is usually not called a murder, except polemically. For a scholarly study we should not include it in the category of organized murder. There is also a more practical argument: its inclusion would necessitate a consideration of all wars and military conflicts in world history and hence make the project unmanageable. Estimates of the death toll, for wars during the last four centuries in Europe for example, do exist (Gleichmann and Kühne 2004; Gleichmann 2006). When we consider category (2), the problem is that the attribution of guilt is always on shaky grounds, especially when we go back further in history. The labels of murder or even genocide are most frequently contested in this case. In his recent book though Dikötter (2010) appears to lay the blame for China’s great famine on Mao. Yet, we would propose to leave famines out of consideration. Consequently, we propose to classify only types (3) and (4) of reproachable mass dying as organized murder. This implies a social-scientific rather than a legal classification, which we believe is necessary for a long-term investigation of murder and mass murder.

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